

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Keith R. Murphy

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

STEFANELLI INVESTORS GROUP, et al.,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05255 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Defendants Stefanelli Investors Group, Anthony E. Stefanelli, Jr., as general partner of Stefanelli Investors Group and individually, Anthony Stefanelli, III (formerly named as MINOR 1 and now over 18 years old), as general partner of Stefanelli Investors Group and individually, MINOR 2 (Matthew Stefanelli), MINOR 3 (Alexandra Stefanelli), Estate of Mary Ann Stefanelli, and Patricia Moretta, solely in her capacity as personal representative of the Estate of Mary Ann Stefanelli, Mark Stefanelli, as general partner of Stefanelli Investors Group and individually, Alyssa Stefanelli (formerly named as MINOR 4 and now over 18 years old), as general partner of Stefanelli Investors Group and individually, Robbie Stefanelli (formerly named as MINOR 5 and now over 18 years old), as general partner of Stefanelli Investors Group and individually, Barbara Ann Stefanelli, as general partner of Stefanelli Investors Group and individually, Lisa M. Stefanelli, as general partner of Stefanelli Investors Group and individually, Patricia Moretta, as general partner of Stefanelli Investors Group and individually, Nicholas Moretta (formerly named as MINOR 6 and now over 18 years old), as general partner of Stefanelli Investors Group and individually, Christopher Moretta (formerly named as MINOR 7 and now over 18 years old), as general partner of Stefanelli Investors Group and individually, Anton Leroy, as general partner of Stefanelli Investors Group and individually, Estate of Anthony E. Stefanelli, and Patricia Moretta, solely in her capacity as personal representative of the Estate of Anthony E. Stefanelli (collectively “Defendants”), by and through their counsel, Steven R. Schoenfeld of DelBello Donnellan

Weingarten Wise & Wiederkehr LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 6, 2010, the Trustee filed and served the Complaint against Stefanelli Investors Group, Anthony E. Stefanelli, Jr., as general partner of Stefanelli Investors Group and individually, Minor 1, Minor 2, Minor 3, Mary Ann Stefanelli, as general partner of Stefanelli Investors Group and individually, Joan L. Apisa, Danielle L. D' Esposito, Mark Stefanelli, as general partner of Stefanelli Investors Group and individually, Minor 4, as general partner of Stefanelli Investors Group and individually, Minor 5, as general partner of Stefanelli Investors Group and individually, Barbara Ann Stefanelli, as general partner of Stefanelli Investors Group and individually, Lisa M. Stefanelli, as general partner of Stefanelli Investors Group and individually, Patricia Moretta, as general partner of Stefanelli Investors Group and individually, Minor 6, as general partner of Stefanelli Investors Group and individually, Minor 7, as general partner of Stefanelli Investors Group and individually (collectively “Original Defendants”).
2. On January 10, 2012, the Trustee filed and served the First Amended Complaint against Original Defendants.
3. On October 3, 2012, Stipulation and Order dismissing Defendants Joan L. Apisa and Danielle L. D’Esposito without prejudice.
4. On February 28, 2014, Defendants filed an answer to the First Amended Complaint.
5. On April 30, 2019 the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [ECF No. 3181].
6. In accordance with Federal Rule of Civil Procedure 41(a)(1), made applicable hereto by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal

of the Adversary Proceeding with prejudice and without costs to either Trustee or Defendants.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

[Remainder of page intentionally left blank.]

The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: May 6, 2019
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Keith R. Murphy
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*

**DELBELLO DONNELLAN
WEINGARTEN WISE & WIEDERKEHR
LLP**

By: /s/ Steven R. Schoenfeld
1 North Lexington Avenue
White Plains, NY 10601
Telephone: (914) 607-3115
Steven R. Schoenfeld
Email: SRS@ddw-law.com

Attorneys for Defendants

Dated: May 6th, 2019
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge